

BEFORE THE CIVIL SERVICE COMMISSION
OF THE COUNTY OF LOS ANGELES
JOSEPH SCULLY, HEARING OFFICER

IN THE MATTER OF THE DISCHARGE,)
EFFECTIVE SEPTEMBER 14, 2016, OF:)
)
CAREN MANDOYAN,) CASE NO. 16-276
)
)
)
APPELLANT,)
)
)
FROM THE POSITION OF DEPUTY)
SHERIFF, LOS ANGELES COUNTY)
SHERIFF'S DEPARTMENT OF,)
)
)
RESPONDENT.)
)

TRANSCRIPT OF PROCEEDINGS

Los Angeles, California

Friday, September 29, 2017

Reported by:
EILEEN ELDRIDGE
HEARING REPORTER

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2 OF THE COUNTY OF LOS ANGELES

3 JOSEPH SCULLY, HEARING OFFICER

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13 FROM THE POSITION OF DEPUTY)
14 SHERIFF, LOS ANGELES COUNTY)
15 SHERIFF'S DEPARTMENT,)
16)
17 RESPONDENT.)
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16 Transcript of Proceedings, taken at
17 500 West Temple Street, Los Angeles, California,
18 Room 522-B, beginning at 9:00 a.m. and ending
19 at 9:45 a.m., on Friday, September 29, 2017,
20 heard before Joseph Scully, Hearing Officer,
21 reported by Eileen Eldridge, Hearing Reporter.

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1 APPEARANCES:

2

3 For the Respondent:

4 SHERIFF'S DEPARTMENT
5 BY: CHRISTINE ROAM
6 4900 South Eastern Avenue
7 Suite 101
Commerce, California 90040
(323) 890-5413
cdroam@lasd.org

8

9 For the Appellant:

10 ATTORNEY & COUNSELOR AT LAW
11 BY: MICHAEL A. GOLDFEDER
MICHAEL A. GOLDFEDER
6th Floor
12 El Segundo, California 90245
(310) 374-7011
13 michaelgoldfeder@hotmail.com

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15 Also present: PETER BOLLINGER

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I N D E X

E X H I B I T S

5	DEPARTMENT'S <u>EXHIBITS:</u>	MARKED FOR <u>IDENTIFICATION</u>	RECEIVED <u>IN EVIDENCE</u>
6	1 - Disposition Worksheet Dated August 12, 2016 (7 pages)		23
7			
8	2 - Letter of Intent Dated August 15, 2016 (16 pages)		23
9			
10	3 - Letter of Imposition Dated September 15, 2016 (5 pages)		23
11			
12	22 - Mandoyan/ Facebook [REDACTED] May 22, 2015, (1 page)		23
13			
14	23 - Guidelines for Discipline		23
15			
16	24 - Penal Code Sections 273.5, 594, 602 and 459		23
17			
18	27 - [REDACTED] e-mails of Voice Recording		23
19			
20	31 - Previously Identified		23
21	32 - Previously Identified		23
22			
23			
24			
25			

E X H I B I T S

	<u>APPELLANT'S EXHIBITS:</u>	<u>MARKED FOR IDENTIFICATION</u>	<u>RECEIVED IN EVIDENCE</u>
3			
4	50 - One-page Phone Records		23
5			
6	51 - Property Receipt		23
7			
8	52 - Five-page Document		23
9			
10	53 - Previously Identified		23
11			
12	54 - Previously Identified		23
13			
14	55 - Previously Identified		23
15			
16	56 - Previously Identified		23
17			
18	57 - Previously Identified		23
19			
20	58 - Previously Identified		23
21			
22	59 - Previously Identified		23
23			
24	60 - Previously Identified		23
25			
26	61 - Previously Identified		23

1 Los Angeles, California; Friday, September 29, 2017

9:00 a.m.

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4 HEARING OFFICER SCULLY: Okay. Let's go. Good
5 morning. We're back on the record in the Matter of
6 Deputy Mandoyan. I think the first thing we need to do is
7 I took the issue of the testimony of the social worker,
8 [REDACTED]. I took that under submission after both
9 parties argued, so I'm going to make a ruling on that.

10 The Department wants to offer the testimony of a
11 licensed clinical social worker [REDACTED] [REDACTED], and
12 when I asked about the relevance of that, I'm told that it
13 basically goes to the credibility of [REDACTED]; that
14 is, she is the Department's witness.

15 I guess you could say the chief accuser against
16 the Appellant. And the testimony is, essentially, in the
17 nature of [REDACTED] is an expert witness on domestic
18 violence, intimate partner battering, and she will offer
19 testimony that she's reviewed the file in this case.

20 She hadn't examined [REDACTED], but she's
21 reviewed the file, which I presume is the interviews and,
22 maybe, any other documents, but mostly interviews of
23 witnesses and she's concluded that [REDACTED] is a victim
24 of domestic violence.

25 Now, I'm not sure how that relates to

1 credibility, but I don't see how that's going to help me
2 as a trier of fact. And under 801 of the Evidence Code,
3 if it allows testimony by expert witnesses, if the
4 subject -- if it's related to a subject that is
5 sufficiently beyond common experience, that the opinion of
6 an expert would assist the trier of fact.

7 One -- one of these -- is this a --

8 UNKNOWN SPEAKER: I'm a witness.

9 HEARING OFFICER SCULLY: Okay. Have a seat out
10 there, would you, sir. Thank you.

11 MS. ROAM: Is he a witness?

12 MR. GOLDFEDER: No.

13 MS. ROAM: I think we might be lost.

14 MR. BOLLINGER: I'll help him.

15 HEARING OFFICER SCULLY: Okay.

16 MR. BOLLINGER: If that's okay?

17 MR. GOLDFEDER: Thank you, Mr. Bollinger. I
18 appreciate that.

19 HEARING OFFICER SCULLY: Okay. Let's see. One
20 of the -- as a Hearing Officer over Civil Service cases,
21 which I've been doing for nine years now, I believe --
22 going on ten -- I'm constantly called upon to assess
23 credibility of witnesses.

24 And there's -- there's assistance of instruction
25 or guidance in the Evidence Code, looking at the demeanor

1 of the witness the presence or absence of facts testified
2 to by the witness.

3 There's a host of things that I use to assess
4 witness credibility, and I try and approach it very
5 objectively. And even though, ultimately, it's
6 subjective, but the standards I use, I try to be very
7 objective about it, because I don't want my own personal
8 bias to creep in there somehow and say I like a certain
9 witness, I dislike another witness:

10 So I really listen to the facts that they testify
11 to, their demeanor, any evasiveness, their directness,
12 quality of their memory of when they testified, how
13 readily and quickly they recall facts or when don't have
14 facts, when they do have facts. I assess all these things
15 very carefully.

16 This witness, apparently, has never examined
17 the -- this witness meaning [REDACTED] -- has never
18 examined, interviewed [REDACTED]. I have had the
19 opportunity to see [REDACTED] testify for five or six
20 hours two -- over two different days, questioned by the
21 Department's lawyer and by the Appellant's lawyer, and
22 even by myself, so I feel I have a much better opportunity
23 to assess her credibility than [REDACTED] has.

24 Now, I'm, of course, assuming that [REDACTED]
25 hasn't spoken to [REDACTED] because that was the

1 representation from the Department's counsel. So I think
2 what [REDACTED] might bring to the table is her opinion
3 that looking at all the facts in the record, in other
4 words the interviews, that [REDACTED] is a victim of
5 intimate partner battering.

6 But I don't know where that gets me in terms of
7 credibility. If there's -- I don't see how that assists
8 me in terms of credibility. If she wants to say that --
9 offer that as an explanation of why [REDACTED] would be in
10 a relationship with the Appellant and, on one hand, she
11 would want to be out of the relationship, on the other
12 hand, she would say "I love you," and invite him to help
13 her with police reports, that just -- that doesn't really
14 help me.

15 I already perceive that [REDACTED] was conflicted
16 within the relationship. People in relationships are
17 often conflicted. They give conflicting signs; they say
18 conflicting things.

19 On the one hand, "I hate you. Get out of my
20 life," then a day later, "I love you. I could never live
21 without you." People do that. And I don't need it. It
22 would not help me to have [REDACTED] testimony.

23 I'm also concerned about possible prejudice to
24 the Appellant. And we looked yesterday at
25 Evidence Code Section 1107 and 1107 (a) specifically says

1 that -- and 1107 is limited to a criminal action. This is
2 not a criminal action, so it doesn't apply here. But the
3 drafters of 1107 -- that is the legislature -- in allowing
4 what they call this section the expert witness testimony
5 on intimate partner battering and its effects section
6 specifically said that the testimony is admissible, and I
7 quote: (As read):

8 "Except when I offered against a criminal
9 defendant to prove the occurrence of the act or
10 acts of abuse which form the basis of the
11 criminal charge."

12 I'm concerned here that the real significance of
13 the proper testimony is simply to have -- to sort of have
14 [REDACTED] say:

15 "Well, I'm an expert and I know more than
16 anybody because I've studied these things. And
17 I've looked at the witness interviews, and I can
18 tell you that this is absolutely a case of
19 domestic violence battering and, therefore,
20 everything [REDACTED] said about it is correct."

21 "Every charge the Department makes in terms
22 of its theory of the case is correct. And the
23 Appellant is definitely guilty of being a
24 batterer, and I know that because, you know, I've
25 diagnosed this expert -- I mean, this intimate

1 partner battering scenario."

2 And then the Department cites that as sort of an
3 independent corroborating bit of circumstantial evidence
4 to bolster its case, as opposed to witnesses who have
5 personal knowledge and who can be cross-examined on that
6 personal knowledge.

7 This is -- so the concern is the prejudice to the
8 Appellant that that type of testimony might create. It's
9 also, in my opinion, a form of character evidence, which
10 also is inadmissible to prove the occurrence of an act on
11 a specific occasion.

12 In other words, it can get into character
13 evidence in the sense that [REDACTED] characterizes the
14 Appellant as a batterer and an abuser and that's -- and
15 uses that to sort of bootstrap the theory of the case that
16 the allegations occurred in this case as testified to by
17 [REDACTED].

18 I haven't fully -- I haven't completed my
19 evaluation of this case or my assessment of witness
20 credibility. So I'm not making any statement here about
21 the credibility of the witnesses, [REDACTED] in
22 particular. I mean, I haven't finished that. I haven't
23 completed my analysis, and I promise I will be as
24 thoughtful about it as I can be.

25 And I will listen to the arguments of both

1 counsel on that issue, as I will on all other witness
2 credibility issues. But for right now, I do not believe
3 that [REDACTED] will be helpful to me to assess any of the
4 facts in the case.

5 And I think, in fact, I'm the better -- in a
6 better position to assess witness credibility than she is,
7 because she hasn't even ever spoken to [REDACTED]. And
8 I've listened to [REDACTED]'s testimony for five or six
9 hours, and I think there's also a substantial risk of
10 prejudice here as I summarized to the Appellant in terms
11 of the testimony by [REDACTED].

12 So for those reasons, I believe that her
13 testimony is irrelevant and even if there is any
14 relevance, it's danger of prejudice. And the consumption
15 of time outweighs its relevance. And, honestly, I don't
16 believe she's -- there's a sufficient foundation under
17 Evidence Code 801 to show that she has testimony that can
18 aid me in this case.

19 So I'm ruling that her testimony is going to be
20 inadmissible.

21 MS. ROAM: Okay. And I understand your ruling.
22 May I be heard just for the record?

23 HEARING OFFICER SCULLY: Sure. You can,
24 absolutely.

25 MS. ROAM: All right. So I just want to address

1 the suggestion that the Department is calling [REDACTED]
2 to weigh in on [REDACTED]'s credibility. We are not -- we are
3 not calling [REDACTED] to say that this incident happened
4 or didn't happen or that [REDACTED] is credible or not
5 credible.

6 The purpose for her testimony is to explain
7 common patterns of behavior that exist in abusive
8 relationships, and point out facts in this case that are
9 consistent. Ultimately, it is up to you as a trier of
10 fact to determine whether her testimony is helpful to you
11 at all.

12 But, I think, there are a number of
13 misconceptions that exist about domestic violence and I
14 think, how do we know what misconceptions exist if we
15 suffer from those misconceptions. And having an expert
16 witness testify to these common patterns of behavior may
17 illuminate you to things that you are not aware of.

18 For example, when we were here on Wednesday, you
19 mentioned that, you know, [REDACTED] is strong woman,
20 she's in law enforcement, she's received training in
21 domestic violence; and, actually, that is very common
22 misperception that women in law enforcement are unlikely
23 victims of abuse.

24 And, in fact, [REDACTED] has worked extensively
25 with law enforcement and with -- when the people in an

1 abusive relationship are in law enforcement, and there are
2 specific recognizable patterns of behavior that exist. In
3 addition. There are measurable psychological effects of
4 trauma on women who are in abusive relationships for a
5 long time.

6 And so it does affect, perhaps, their demeanor
7 when they testify in a flat affect, you know, different
8 things that a trier of fact may consider undermining to a
9 witness's credibility when, in fact, it is the result of
10 being in a long-term abusive relationship.

11 HEARING OFFICER SCULLY: Can I stop you for a
12 second.

13 MS. ROAM: Absolutely.

14 HEARING OFFICER SCULLY: Because you said -- you
15 started out your argument by saying her testimony is not
16 related to credibility, but you always are circling around
17 to credibility. And how does that help me?

18 Is there a specific fact? Like, say, the
19 incident of domestic viol -- the physical violence, the
20 choking that occurred. Are you saying -- is [REDACTED]
21 going to say, therefore, that definitely happened, or is
22 there something she testified to that you want to argue
23 actually didn't happen that you want to explain that the
24 witness wasn't credible, but here's why.

25 I mean, how when you get to credibility, what is

1 it you're actually arguing? What -- because what it seems
2 to be is this woman is a victim and he's the victimizer,
3 so whatever she says, her whole theory of the case has to
4 be accepted because she's a victim.

5 And all I'm saying is, wait a minute. That's
6 putting her in a box, the victim box, and then saying
7 whatever she says, we have to accept. I'm looking at her
8 as an individual. I'm weighing in my mind all of the
9 factors that you've cited, the nature of this
10 relationship.

11 Okay. I'm looking at that, and I will look at
12 that. But you said one that I think is incorrect. You
13 said that yesterday I had mentioned that she's a strong
14 woman. I take that as factually true. Anybody who makes
15 it through the rigorous selection process to become a
16 deputy sheriff, goes through the academy, has to be
17 mentally and physically strong.

18 That's what I meant. I don't mean to say that a
19 woman who is in law enforcement, for example, cannot
20 become the victim of an abusive intimate partner. I never
21 said that. I just simply observed that this particular
22 witness made it through a very rigorous, strenuous,
23 difficult screening process. I'm talking about the
24 academy, and then training, patrol training, and she
25 worked in Custody.

1 So she's not -- I don't see her as a person who
2 is a helpless punching bag -- and I don't mean to
3 disparage this woman -- but like the case I read, the
4 Humphrey's case, that you gave me, which I read carefully.
5 If you look at that case, let me read it. It's talking
6 about the Humphrey's case and Hearing Officer Scully says:

7 The violence can gradually escalate as the
8 batterer keeps control using ever more severe actions,
9 including rape -- there's no rape in this case; torture --
10 there's no torture in this case; violence against the
11 woman's loved ones or pets -- there was not evidence of
12 violence against the woman's loved ones or pets in this
13 case; death treats -- I don't recall any death treats in
14 this case.

15 So while I can accept that the relationship was,
16 perhaps, unhealthy and dysfunctional, I'm prejudging the
17 evidence. It's not all in yet, but this is -- this -- I
18 see no evidence that [REDACTED] would allow this
19 level of violence to be perpetrated on her.

20 So that's all I meant when I said she's strong in
21 that she's not -- doesn't seem to me the type of woman --
22 we can look at her telephone calls where she's
23 acknowledged, you know, the vase-head comment, the
24 cursing, the anger. You know, it seems to me that she had
25 a certain amount of strength of character demonstrated

1 just basically by being a sheriff.

2 But anyway, I know I have interrupted your
3 argument, but you said it's not about credibility, but
4 then you circle around to credibility. And if it's not
5 about credibility, then why is she testifying? Because
6 she didn't see any of it happen.

7 And you say you want to educate me on the theory
8 of domestic violence and how battered women behave. Well,
9 that's all well and good, but what evidence is there that
10 that's relevant?

11 Because [REDACTED] never examined the patient,
12 [REDACTED]. So how can she say by a reasonable degree of
13 medical certainty that [REDACTED] falls into this
14 particular syndrome, because she never even examined
15 [REDACTED]. She's given us, you know, looked at the file
16 and nothing more. So even if [REDACTED] falls into that,
17 what does that tell me? If it doesn't go to credibility,
18 so what. What does it tell me?

19 MS. ROAM: May I clarify?

20 HEARING OFFICER SCULLY: Sure.

21 MS. ROAM: It doesn't go to the ultimate decision
22 of credibility, which is yours alone to make that
23 determination. However, it does offer -- it does point
24 out -- you know, you have mentioned that she hasn't
25 examined [REDACTED]. Generally in criminal cases, the

1 domestic violence expert has not examined the parties or
2 the case file. The purpose of the testimony is just to
3 explain these patterns that might assist you as you're
4 evaluating the evidence.

5 Mr. Goldfeder has vigorously attacked [REDACTED]
6 testimony. And I expect that he's going to point to
7 specific behaviors that she engaged in and, perhaps, her
8 demeanor during her testimony and her uncertainty about
9 dates and being unspecific about that as evidence that
10 she's not credible.

11 And the Department would just like to present a
12 domestic violence expert witness to talk about these types
13 of things, where these dynamics are present, that that is
14 not uncommon. And then it's up to you to take her
15 testimony and decide if it helps to inform you in any way
16 if it provides you with information that you didn't have
17 before.

18 But, I think, it's absolutely relevant here,
19 because the facts of the case is, we have a woman who for
20 over a year, the evidence is, felt trapped in this
21 relationship, was hoping that he would lose interest and
22 move on. It was this cycle that we typically see in
23 domestic violence where there's a tension building, there
24 conflict, there's honeymoon. It goes round and round.

25 And the situation begins with control and

1 isolation and it culminates in violence. That's exactly
2 what we have here. And the case law established that even
3 one instance of domestic violence is abuse. Like you
4 don't have to have multiple, physical incidents of
5 domestic violence to establish the pattern that we want to
6 talk about here.

7 And so that's the relevance. I understand your
8 ruling. I would respectfully ask that you reconsider it,
9 and if you don't, I just thank you for allowing me to make
10 my record here.

11 HEARING OFFICER SCULLY: Well, that's the ruling.
12 I -- you know, I gave it as much thought as I had. So I
13 appreciate that we don't agree on that. I don't know if
14 want to say anything, Mr. Goldfeder, but the -- that will
15 be my ruling, and I understand that the Department objects
16 to that.

17 MS. ROAM: Respectfully.

18 GOLDFEDER: I'll say from the Appellant's side
19 here, Your Honor, is that your ruling is proper and
20 correct and well-reasoned; and, you know, we can move on
21 with the proceedings accordingly.

22 HEARING OFFICER SCULLY: Okay. So is [REDACTED]
23 here?

24 MS. ROAM: Yes, she is.

25 HEARING OFFICER SCULLY: Do you want to take a

1 minute to explain to her what has happened, and then I
2 think that the next witness will be the Appellant's
3 witness.

4 Do you have a witness ready to go, Mr. Goldfeder?

5 MR. GOLDFEDER: Appellant will rest.

6 HEARING OFFICER SCULLY: Okay.

7 GOLDFEDER: I would move into the document
8 admission and things of that nature.

9 HEARING OFFICER SCULLY: Okay. Why don't we go
10 off the record and you can take a few minutes to talk to
11 [REDACTED].

12 (A recess was taken.)

13 HEARING OFFICER SCULLY: Let's go back on the
14 record. So the Appellant has rested, and Mr. Goldfeder
15 indicated that he just -- what he wanted to do is go over
16 documents, the admissibility of the documents.

17 So has the Department moved any documents into
18 evidence.

19 MS. ROAM: We have. But we do have some
20 outstanding documents. I have Department's Exhibits 4
21 through 21 in evidence, 25, 29 in evidence and the rest
22 are outstanding.

23 HEARING OFFICER SCULLY: Okay. I have a note
24 that on July 25th, which was the second day of hearing.

25 MS. ROAM: Yes.

1 HEARING OFFICER SCULLY: Department's Exhibits 4
2 through 17, 19 through 21, 25 and 29 were admitted.

3 MS. ROAM: Okay. I'm sorry. Say that one more
4 time.

5 HEARING OFFICER SCULLY: 4 through 17 inclusive.

6 MS. ROAM: Yes.

7 HEARING OFFICER SCULLY: 19 through 21, 25
8 through 29.

9 MS. ROAM: Yes. So the only one I have is 18,
10 and that makes sense. I just put a line down my exhibits.

11 HEARING OFFICER SCULLY: Okay. So are those the
12 only --

13 MS. ROAM: So at this time the Department would
14 move Department's Exhibit 1.

15 HEARING OFFICER SCULLY: Hang on. Hang on. Just
16 so -- the exhibits I just mentioned, those are the only
17 ones that have been moved into evidence as of right now;
18 right?

19 MS. ROAM: Yes.

20 HEARING OFFICER SCULLY: Okay. Now, go ahead.

21 MS. ROAM: So the Department would move
22 Department's Exhibit 1, 2 and 3 into evidence.

23 HEARING OFFICER SCULLY: Do you want to just give
24 me all of them.

25 MS. ROAM: Sure.

1 HEARING OFFICER SCULLY: And then we will deal
2 with objections.

3 MS. ROAM: Sure. Withdraw 18. We'll move 22,
4 23, 24, 27, 30 -- no. I'm sorry. We'll withdraw 30.
5 We're going to withdraw 30, 28, 26. And then also move in
6 31 and 32.

7 HEARING OFFICER SCULLY: Okay. I'm curious about
8 what's being withdrawn. So that's the interview. Okay.

9 MS. ROAM: Yeah. Just so that we're clear. So
10 18 we're withdrawing. 26 we're withdrawing. 28 and 30
11 we're withdrawing, and those all concerns the phone call
12 that you have ruled as inadmissible.

13 HEARING OFFICER SCULLY: Okay.

14 MS. ROAM: And then we'll be moving all of the
15 rest of the Department's into evidence.

16 HEARING OFFICER SCULLY: Which would be 1, 2, 3,
17 22, 23, 24, 27, 31 and 32; right?

18 MS. ROAM: That is exactly right, yes.

19 MR. GOLDFEDER: And that's in addition to what's
20 already been admitted, 4 through 17, 19 through 21.

21 HEARING OFFICER SCULLY: Yes.

22 MR. GOLDFEDER: I'll stipulate to that.

23 HEARING OFFICER SCULLY: Okay. So Department's
24 Exhibits 1, 2, 3, 22, 23, 24, 27, 31, 32 are admitted.

25 ///

1 (Department's Exhibit 1, 2, 3, 22, 23, 24,
2 27, 31, 32 were received into evidence.)

3 HEARING OFFICER SCULLY: And the Department has
4 withdrawn Exhibits 18, 26, and 30.

5 MS. ROAM: Yes.

6 HEARING OFFICER SCULLY: All right. Now,
7 Appellant's exhibit none of them -- I don't believe any of
8 Appellant's exhibits have been moved into evidence yet.

9 So what would like to do on that, Mr. Goldfeder.

10 MR. GOLDFEDER: Since I laid a foundation for all
11 of them, I would request that all my exhibits be moved
12 into evidence. I believe that's 50 through 61.

13 HEARING OFFICER SCULLY: Okay. Department?

14 MS. ROAM: Can I just have one second?

15 HEARING OFFICER SCULLY: Sure. 50 through 61.

16 MS. ROAM: Okay. The Department has no
17 objection.

18 HEARING OFFICER SCULLY: Okay. So Appellant's
19 Exhibits 50 through 61 are admitted.

20 (Appellant's Exhibit 50 through 61 were
21 received into evidence.)

22 HEARING OFFICER SCULLY: I believe that's all of
23 the Appellant's exhibits that were identified during the
24 case; is that correct?

25 MR. GOLDFEDER: That's correct, Your Honor.

1 HEARING OFFICER SCULLY: Okay. So there are no
2 exhibits that were withdrawn or inadmissible. Now, we
3 need to talk about closing arguments and the possibility
4 of one side or the other requesting transcripts.

5 Does either side prefer to do an oral closing
6 argument?

7 MS. ROAM: No. The Department will be ordering
8 transcripts and would request doing written briefs.

9 HEARING OFFICER SCULLY: Okay.

10 GOLDFEDER: That's fine. I'll wait until I get
11 verification of the filing of the transcripts and then
12 it's ten business days starting at that point.

13 HEARING OFFICER SCULLY: Okay. Correct. So in
14 that case, what happens is the record is deemed to be kept
15 open until the transcripts are completed and has any of
16 the transcripts been prepared already.

17 MS. ROAM: One day.

18 HEARING OFFICER SCULLY: Okay. So we're still
19 waiting on transcripts in July in addition to the two here
20 in September.

21 Okay. Has the Department ordered them already?

22 MS. ROAM: No. We'll be ordering them today.

23 HEARING OFFICER SCULLY: So the transcripts will
24 be ordered and the Department then will note by the
25 Commission when the transcripts are received.

1 MS. ROAM: Absolutely.

2 HEARING OFFICER SCULLY: At that point, the
3 record will be deemed to be closed at that point, and the
4 Commission will notify the parties that they have ten days
5 to submit their written briefing, closing briefs; okay?

6 I invite the parties to figure, in light of our
7 discussion about witness credibility, to address witness
8 credibility. I'll read the arguments.

9 What helps me is facts. I mean, in other words,
10 it's not about characterizing somebody with a broad brush,
11 to criticize their character. That doesn't do anything
12 for me. I want to look at specific facts. Demeanor
13 issues, failure to answer questions or answering
14 questions.

15 Now, in this case, Appellant didn't testify and
16 I -- so I don't know exactly. I have to look into how
17 that plays out. I'm not sure how that plays out in terms
18 of credibility or if it doesn't.

19 But that type of thoughtful argument relating to
20 facts that were presented in the hearing. That's what
21 helps me on credibility, not just broad brush attacks on
22 somebody as being a bad person, because that kind of --
23 you know, loud shouting, noise; it's not really helpful to
24 try and analyzes the evidence, and really understand it.

25 So that's my guidance for terms of what is going

1 to be effective in argument in terms of what I read and
2 how I try to arrive at a decision in the case.

3 Okay. Good job by both sides, and I will get my
4 decision out on time, and even though you may not see it
5 for a while because, you know --

6 MS. ROAM: It's disappears somewhere.

7 HEARING OFFICER SCULLY: Disappears back there.

8 But I think that's it. We can go off the record.

9 (Proceedings adjourned at 9:45 a.m.)

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HEARING REPORTER'S CERTIFICATE

3 I, Eileen Eldridge, Hearing Reporter, in and for
4 the State of California, do hereby certify:

5 That the foregoing transcript of proceedings was
6 taken before me at the time and place set forth, that the
7 testimony and proceedings were reported stenographically
8 by me and later transcribed by computer-aided
9 transcription under my direction and supervision, that the
10 foregoing is a true record of the testimony and
11 proceedings taken at that time.

12 I further certify that I am in no way interested
13 in the outcome of said action.

14 I have hereunto subscribed my name this 17th day
15 of October, 2017.

EILEEN ELDRIDGE
HEARING REPORTER

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